

Office of the Secretary of Defense

§ 245.5

§ 245.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Combatant Commands, the DOT, the FAA, the DHS, and the TSA.

§ 245.3 Responsibilities.

The Assistant Secretary of Defense for Networks and Information Integration will ensure the responsibilities of the DoD are implemented. The DOT and the DHS shall implement the procedures and actions requested by the Department of Defense.

Subpart B—Explanation of Terms, Acronyms and Abbreviations

§ 245.5 Terms.

For the purpose of this part, the words “will” and “shall” denote mandatory action by the affected person(s) or agency(ies).

Air control measures. Airspace and/or flight restrictions that may be issued in support of National Defense or Homeland Security initiatives.

Air defense. All defensive measures designed to destroy attacking enemy aircraft or missiles as well as enemy operated aircraft or missiles in the Earth’s envelope of atmosphere, or to nullify or reduce the effectiveness of such attack.

Air defense area (ADA). Airspace of defined dimensions designated by the appropriate agency within which the ready control of airborne vehicles is required in the interest of national security.

Air defense emergency (ADE). An emergency condition, declared by the appropriate military authority, that exists when attack upon the continental United States, Alaska, Hawaii, other U.S. territories and possessions or Canada by hostile aircraft or missiles is considered probable, is imminent, or is taking place.

Air defense identification zone (ADIZ). Airspace of defined dimensions within which the ready identification, location, and control of airborne vehicles are required.

Air defense liaison officer (ADLO). FAA representative at a North Amer-

ican Aerospace Defense Command (NORAD) air defense facility (NORAD Region or NORAD Air Defense Sector).

Air defense region. A geographical subdivision of an air defense area.

Air defense sector. A geographical subdivision of an air defense region.

Air traffic control system command center (ATCSCC). FAA Command Center responsible for the efficient operation of the National Airspace System, ensuring safe and efficient air travel within the United States.

Anchor annex flight. Classified DoD mission.

Appropriate military authority. The military commander with the authority to direct the implementation of this part. The appropriate military authorities are designated in part 245.11, (a)(1), (a)(2), (a)(3) and (b)(1), (b)(2), (b)(3).

Chief of the Defense Staff (CDS). Canada’s counterpart to the Chairman, Joint Chiefs of Staff.

Civil reserve air fleet (CRAF). Those aircraft allocated, or identified for allocation, to the DoD under section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071), or made available (or agreed to be made available) for use by the DoD under a contract made under this title, as part of the program developed by the DoD through which the DoD augments its airlift capability by use of civil aircraft.

Combatant Command. A command with a broad continuing mission under a single commander established and so designated by the President, through the Secretary of Defense and with the advice and assistance of the Chairman of the Joint Chiefs of Staff. The Combatant Commands typically have geographic or functional responsibilities. For the purposes of this part, the term “combatant command” also includes NORAD.

Continental United States (CONUS). All U.S. territory of the 48 contiguous states (does not include Alaska and Hawaii), including the adjacent territorial waters within 12 miles of the coast of the 48 contiguous states.

Contingency operations. A military operation that:

(1) Is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(2) Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301 (a), 12302, 12304, 12305, or 12406 of title 10 U.S.C., chapter 15, as amended by E.O. 13286, February 28 2003, or any other provision of law during a war or during a national emergency declared by the President or Congress.

Defense emergency. An emergency condition that exists when:

(1) A major attack is made upon U.S. forces overseas or on allied forces in any theater and is confirmed by either the commander of a command established by the Secretary of Defense or higher authority; or

(2) An overt attack of any type is made upon the United States and is confirmed either by the commander of a command established by the Secretary of Defense or higher authority.

Dispersal. Relocation of forces for the purpose of increasing survivability.

Diversion. A change made in a prescribed route or destination for operational or tactical reasons.

Domestic event network (DEN). A 24/7 FAA sponsored, telephonic conference call network that includes all of the Air Route Traffic Control Centers (ARTCC) in the U.S. It also includes various other governmental agencies that monitor the DEN. The purpose of the DEN is to provide timely notification to the appropriate authorities that there is an emerging air-related problem or incident within the CONUS.

ESCAT air traffic priority list (EATPL). A list comprised of eight priorities designed to control the volume of air traffic when ESCAT has been implemented.

National Airspace System (NAS). The NAS consists of the overall environment for the safe operation of aircraft that are subject to the FAA's jurisdiction. It includes: air navigation facilities, equipment and services, airports or landing areas; aeronautical charts, information and services; rules, regulations and procedures, technical infor-

mation, and manpower and material. Included are system components used by the DoD.

National emergency. A condition declared by the President or the Congress by virtue of powers previously vested in them that authorize certain emergency actions to be undertaken in the national interest. Actions to be taken may include partial, full, or total mobilization of national resources.

Navigational aids (NAVAIDs). Aids to navigation, including but are not limited to, Global Positioning System (GPS), Tactical Air Navigation (TACAN), VHF Omnidirectional range (VOR), VHF Omnidirectional range/Tactical Air Navigation (VORTAC), Radar, and Long Range Navigation (LORAN). GPS also includes its Federal government-provided augmentations, *i.e.*, the FAA Wide Area Augmentation System (WAAS) and Local Area Augmentation System (LAAS), United States Coast Guard (USCG) Maritime Differential GPS (MDGPS) and USCG Nationwide Differential GPS (NDGPS).

North American Aerospace Defense Command (NORAD). A combined military command established by the Governments of Canada and the United States responsible for North American aerospace warning and control. Headquartered in Colorado Springs, CO, NORAD is subdivided into three geographic regions: Alaska NORAD Region (ANR), Canadian NORAD Region (CANR) and the CONUS NORAD Region (CONR).

Security assurance check. Measures taken by DoD/DHS, as appropriate, to ensure aircraft, cargo and crew security has not been compromised by hostile organizations or individuals who are or may be engaged in espionage, sabotage, subversion, terrorism or other criminal activities.

Security control authorization (SCA). Authorization for an EATPL category eight aircraft to take off when ESCAT has been implemented, which will be coordinated between DHS and the appropriate military authority.

Special Use Airspace (SUA). Airspace of defined dimensions identified by an area on the surface of the earth wherein activities must be confined because

Office of the Secretary of Defense

§ 245.9

of their nature, and/or wherein limitation may be imposed upon aircraft operations that are not part of those activities. Types of special use airspace include Military Operations Areas, Prohibited Areas, Restricted Areas and Warning Areas.

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§ 245.6 Abbreviations and acronyms.

AADC—Area Air Defense Commander
ADE—Air Defense Emergency
ADIZ—Air Defense Identification Zone
ADLO—Air Defense Liaison Officer
AMC—Air Mobility Command
ANR—Alaska NORAD Region
AOR—Area of Responsibility
ARTCC—Air Route Traffic Control Center
ATC—Air Traffic Control
ATCSCC—Air Traffic Control System Command Center
CARDA—Continental U.S. Airborne Reconnaissance for Damage Assessment
CDS—Chief of the Defence Staff (Canada)
CERAP—Center-RAPCON
CJCS—Chairman, Joint Chiefs of Staff
CONR—CONUS NORAD Region
CONUS—Continental United States
CRAF—Civil Reserve Air Fleet
DEN—Domestic Event Network
DHS—Department of Homeland Security
DND—Department of National Defence (Canada)
DoD—Department of Defense
DOT—Department of Transportation
EATPL—ESCAT Air Traffic Priority List
E.O.—Executive Order
ESCAT—Emergency Security Control of Air Traffic
FAA—Federal Aviation Administration
IFR—Instrument Flight Rules
LEA—Law Enforcement Agencies
LIFEGUARD—Civilian air ambulance flights
LNO—Liaison Officer
MEDEVAC—Medical air evacuation flight
NAS—National Airspace System
NEADS—Northeast Air Defense Sector (NORAD)
NORAD—North American Aerospace Defense Command
PACAF—Pacific Air Forces

SCA—Security Control Authorization
SEADS—Southeast Air Defense Sector (NORAD)
SUA—Special Use Airspace
TSA—Transportation Security Administration
USNORTHCOM—U.S. Northern Command
USPACOM—U.S. Pacific Command
VFR—Visual Flight Rules
WADS—Western Air Defense Sector (NORAD)

[71 FR 61889, Oct. 20, 2006; 71 FR 66110, Nov. 13, 2006]

Subpart C—The ESCAT Plan

§ 245.8 Purpose.

This part establishes responsibilities, procedures, and instructions for the security control of civil and military air traffic in order to provide effective use of airspace under various emergency conditions.

§ 245.9 Authority.

(a) E.O. 12656, 18 November 1988, which assigns emergency preparedness functions to Federal departments and agencies.

(b) E.O. 13074, Amendment to E.O. 12656, February 9, 1998.

(c) E.O. 13286, Amendment of E.O. 13276, 13274, 13271, 13260, 13257, 13254, and 13231, and Other Actions, in Connection With the Transfer of Certain Functions to the Secretary of Homeland Security, February 28, 2003.

(d) Title 10 U.S.C.—Armed Forces.

(e) Title 49 U.S.C., Subtitle VII—Aviation Programs.

(f) Communications Act of 1934, as amended.

(g) Aviation and Transportation Security Act of 2001 (Pub. L. 107-71), establishes the TSA and transfers civil aviation security responsibilities from FAA to TSA.

(h) Homeland Security Act of 2002 (Pub. L. 107-296), establishes DHS and transfers the transportation security functions of the DOT and Secretary of Transportation and the TSA to DHS.

(i) DoD Directive 5030.19,¹ “DoD Responsibilities on Federal Aviation and

¹Copies may be obtained at <http://www.dtic.mil/whs/directives/corres/dir2.html>.